

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BRYAN OGLESBY,	:	
Petitioner,	:	
v.	:	Case No. 3:17-cv-21
WARDEN, Lebanon Correctional	:	JUDGE WALTER H. RICE
Institution,	:	
Respondent.	:	

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #2);
DISMISSING WITH PREJUDICE PETITION UNDER 28 U.S.C. § 2254
FOR A WRIT OF HABEAS CORPUS (DOC. #1); JUDGMENT TO ENTER
IN FAVOR OF RESPONDENT AND AGAINST PETITIONER; DENYING
CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL *IN FORMA*
PAUPERIS; TERMINATION ENTRY

Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz in his Report and Recommendations, Doc. #2, as well as on a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing in its entirety. The Court notes that, although Petitioner is represented by counsel, and although he was notified of the right to file objections to the Report and Recommendations, and of the consequences of failing to do so, no objections have been filed within the time allotted.

The Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus, Doc. #1, is DISMISSED WITH PREJUDICE.

Judgment shall be entered in favor of Respondent and against Petitioner.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be *objectively* frivolous, Petitioner is denied a certificate of appealability, and is denied leave to appeal *in forma pauperis*.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: February 14, 2017



WALTER H. RICE
UNITED STATES DISTRICT JUDGE